IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2498 OF 2007

1. Haresh Manohar Keni,

2. Balaram Goma Keni,

3. Rajesh Jayram Keni. ... Applicants.

V/s.

1. The Senior Inspector of Police, Taloja Police Station, Taloja.

2. The State of Maharashtra. ... Respondents.

Rahul Takur for the applicant.

K.V.Saste, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 9th August 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in C.R.No.126/2007 registered with Taloja Police Station, for the offences punishable under sections 143, 147, 148, 149,

326, 324, 323, 427 and 504 of Indian Penal Code read with sections 37(1) and 135 of the Bombay Police Act on the basis of the complaint filed by one Ganesh Charpat Mhatre.

3. The factual matrix reveals that the complainant lodged complaint against four persons, viz., Kurshid Khendu Mhatre; Eknath Dattu Mhatre; Laxman Dattu Mhatre; and Ganesh Charpat Mhatre. The offence alleged against the present applicants is that the applicants along with two others assaulted the complainant with means of iron strips and sticks. However, the medical evidence shows that only simple injuries are suffered by the applicants. In this view of the matter, I am inclined to grant pre-arrest bail to the applicants, subject to the following conditions:

(a) In the event of arrest of the applicants in connection with C.R.No.126/2007 registered with Taloja Police Station they shall be released on bail of Rs.10,000/- each with one or two sureties to make up the said amount.

(b) The applicants shall report to Taloja Police Station once in a week i.e. on every Thursday between 3.00 p.m. to 5.00 p.m. and

shall co-operate with the investigating agency.

(c) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicants to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE